

Message Text

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PAGE 01 BOGOTA 02940 311158Z
ACTION EB-08

INFO OCT-01 ARA-14 ISO-00 INT-05 L-03 COME-00 TRSE-00
OMB-01 CIAE-00 INR-10 NSAE-00 OES-07 DOE-15 SOE-02
/066 W

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FM AMEMBASSY BOGOTA
TO SECSTATE WASHDC 7181

UNCLAS BOGOTA 2940

E.O. 11652: N/A
TAGS: EMIN, ENRG, US, CO
SUBJ: RECIPROCITY PROVISIONS OF MINERAL LEASING ACT OF 1920

REF: STATE 075906

1. UNDER LAW 20 OF 1969 ALL SUBSOIL MINERAL RIGHTS REVERTED TO THE STATE WITH THE EXCEPTION THAT PREVIOUSLY EXISTING CONCESSIONS COULD REMAIN PRIVATELY OWNED, INCLUDING THOSE OWNED BY FOREIGNERS. THIS LAW WAS MODIFIED BY LAW 75 OF 1970 IN WHICH A CONCESSION THAT WAS NOT BEING EXPLOITED WOULD BE FORFITED.

2. SINCE 1969 MINERALS EXPLOITATION, EXCEPT ON PREVIOUSLY HELD CONCESSIONS, IS UNDERTAKEN THROUGH ASSOCIATION CONTRACTS. FOREIGNERS ARE NOT TREATED DIFFERENTLY FROM NATIONALS UNDER ASSOCIATION CONTRACTS AND MINERALS WERE EXCLUDED FROM THE COLOMBIAN IMPLEMENTING LEGISLATION OF ANDEAN PACT DECISION 24. THESE PROVISIONS ARE NOT RELAXED FOR RECIPROCITY REASONS.

3. FOREIGNERS CAN BUY AND SELL OLD CONCESSIONS THAT ARE BEING EXPLOITED, AND CAN ENTER ASSOCIATION CONTRACTS ON AN EQUAL FOOTING WITH NATIONALS, SO THAT EVEN THOUGH A FOREIGNER CANNOT OWN SUBSOIL RIGHTS, HE CAN OWN THE COMPANY THAT HAS

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THE RIGHT TO DEVELOP AND MARKET THE MINERALS UNDER QUITE FAVORABLE CONTRACTING ARRANGEMENTS WITH A STATE ENTITY. WE BELIEVE THESE ARRANGEMENTS CAN BE CONSIDERED RECIPROCAL TREATMENT.
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Message Attributes

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Draft Date: 30 mar 1978
Decaption Date: 01 jan 1960
Decaption Note:
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Disposition Comment:
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Disposition Event:
Disposition History: n/a
Disposition Reason:
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